

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, OCTOBER 16, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2012/1016.01 - Approve Minutes of the October 2, 2012 Regular Meeting (**ACTION**)

- 2) 2012/1016.02 - Approve Resolution No. 1179-2012 Repealing Resolution No. 1169-2012 and Approving the Position Allocation Table for FY 2012-2013 **(ACTION)**
- 3) 2012/1016.03 - Receive & File Status Report on Wildwood Avenue Enhancement Project and Agendize the Topic for the November 8, 2012 Regular City Council Meeting **(ACTION)**

G. SPECIAL PRESENTATIONS

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2012/1016.04 - Approve Appointment to the Rio Dell Planning Commission **(ACTION)**
- 3) 2012/1016.05 - Make the Finding that the Repair of the South Wall and the Ridge Beam at the North End of City Hall, at the Police Department, Continues to Present an Emergency as Set Forth in Rio Dell Resolution No. 1178-2012 **(ACTION)**
- 4) 2012/1016.06 - Discussion of Street Improvement Bond Measure "J" **(INFORMATIONAL)**

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2012/1016.07 - Approve Resolution No. 1157-2012 Denying the Albin Proposed General Plan Amendment and Zone Reclassification Designating Approximately 3 Acres from Community Commercial (CC) to Urban Residential (UR) **(ACTION)**
- 2) 2012/1016.08 - Introduction and First Reading (by title only) of Ordinance No. 295-2012 Establishing New Parking Regulations, Section 17.30.180 of the Rio Dell Municipal Code (RDMC) **(ACTION)**
- 3) 2012/1016.09 - Introduction of Resolution No. 1177-2012 and First Reading (by title only) of Ordinance No. 297-2012 Amending the Town Center/Urban Residential Zoning Designations, the Allowed Uses and Development Standards of the Town Center Zone, the Edwards Suburban Low/Public Facility Zoning Designations **(ACTION)**
- 4) 2012/1016.10 - Introduction and First Reading (by title only) of Ordinance No. 298-2012 Repealing Ordinance No. 255-2012 and Establishing a Purchasing Procedure **(ACTION)**

- 5) 2012/1016.11 - Approve Resolution No. 1180-2012 Amending the City Budget for the Abatement of Asbestos and Carpeting of City Hall and Authorize the City Manager to Engage Floortec North Coast and New Life Service Company for the Abatement of Asbestos Flooring and the Installation of Encapsulating Carpeting in City Hall (**ACTION**)

J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. STUDY SESSIONS/PUBLIC HEARINGS

M. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

N. PUBLIC COMMENT REGARDING CLOSED SESSION

O. RECESS INTO CLOSED SESSION

P. RECONVENE INTO OPEN SESSION

Q. ORAL ANNOUNCEMENTS

R. ADJOURNMENT

*The next Regular meeting will be on November 8, 2012
at 6:30 PM in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
REGULAR MEETING
OCTOBER 2, 2012
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Marks, Thompson, and Wilson

Others Present: City Manager Stretch, Chief of Police Hill, Finance Director Beauchaine, Community Development Director Caldwell, Wastewater Superintendent Chicora and City Clerk Dunham

Absent: Water/Roadways Superintendent Jensen (excused)

PUBLIC PRESENTATIONS

Nick Angeloff spoke on behalf of the Eagle Prairie Arts District (EPAD) and presented a written power point presentation which outlined the formation and goals of the EPAD. He said their goal is to provide the artist, entertainment, business, and historic preservation communities with an opportunity to create, preserve, and show their art in Rio Dell, preserving the City's history while encouraging business. They offered to help the City with the Wildwood Ave. Enhancement Project and said they would like the opportunity to contribute to the design of one of the islands in order to create a sense of community around the project. They asked that art pieces be placed on one or more of the islands with the possibility of rotating them from time to time. Pictures of potential art pieces to be displayed were presented.

Shannon Miranda, Miranda's Rescue addressed the Council regarding animal control services and noted that the cost of doing business has risen significantly over the past year partially due to the cost for spaying and neutering dogs and cats. He said that last year he received 115 dogs from Rio Dell; 98 of which were pit bulls or pit bull mix breeds and 96 of which were not altered. Of those 115 dogs only 15 were redeemed. In addition, he said there were approximately 50-60 cats relinquished. He encouraged the Council to consider adopting a Breeding Ordinance to help alleviate the problem. He indicated that he will not be able to continue providing animal control services to the City under the current rate of \$1,200 per month and the rate needs to be raised to \$2,500 per month

Sharon Wolff said she was grateful to finally receive the public record related to the 2009 whistleblower investigation report regarding complaints against the public works department. She said it has taken a lot of time and effort to bring forward this investigation and a lot of taxpayers' money was spent. She went on to quote allegations outlined in the redacted investigation report and expressed her lack of confidence in the City Council and staff.

CONSENT CALENDAR

Motion was made by Thompson/Leonard to approve the consent calendar including approval of minutes of the September 18, 2012 regular meeting; accepting resignation on the Rio Dell Planning Commission from Dave Gonzales; approving Pay Request No. 7 to Wahlund Construction/Sequoia Construction Specialties in the amount of \$866,708.68 for work related to the Wastewater Treatment Plant Upgrade and Disposal Project; termination of the August 21, 2012 finding of emergency by Resolution No. 1172-2012 for repair of the drainage ditch in the vicinity of Miller & Tyme Cts.; and to receive and file the Wastewater Rate Study. Motion carried 5-0.

SPECIAL PRESENTATIONS

Receive Update on Wildwood Ave. Enhancement Project and Provide Staff Direction on Bid Options

City Manager Stretch provided a staff report and said the Council considered the bid options at the August 21, 2012 regular meeting and at that time was advised that the estimated cost for the Wildwood Ave. Landscape project totaled \$118,146 over the amount of funds available. As a result, the Council agreed that the base bid for the project be reduced to that section from the Eagle Prairie Bridge on the south to Columbus Street on the north, with the inclusion of four bid alternates in order to get the project awarded within the \$589,000 budget. The Council directed the City Engineer to prepare the plan accordingly and bring it back to the Council for approval. Since that time, the landscape subcontractor updated the cost estimates and reduced his bid by approximately \$100,000 which he said will fund the project without any bid alternates to reduce the overall cost of the project, including a contingency. He said the latest project bid amount totals \$550,713 which is a difference over the grant amount of \$38,286.

City Manager Stretch said the schedule to get the bid package to Cal-Trans for submission to the Transportation Commission in December is October 8, 2012 so staff is asking for Council to provide direction on bid options and submission of the project. He indicated that there are several items associated with the project that are yet to be settled such as the welcome sign at the south end of town, the electrical drop to light the sign as well as other options such as art pedestals for the islands, additional trees, street furniture, and a town clock. He provided pictures of potential clocks and signs for Council review.

City Manager Stretch said Merritt Perry and Brett Vivian from HDR Engineering were present to answer any questions the Council may have.

Councilmember Marks asked for clarification that when the project is put out to bid and the bid comes in lower than the grant amount, can the City go back and use the remaining funds on other items related to the project; Merritt Perry explained the grant is a fixed amount which is the

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primary purpose of having bid alternates so you can make sure you can complete the project and still have the flexibility of adding extras if there are remaining funds. He suggested the alternates be listed by priority.

Merritt Perry then provided a summary of next steps stating that if the project is finalized by October 8th, it will be submitted to Cal-Trans; from there it takes 2 months for submission to the State Transportation Commission. Next is to submit the authorization request and required forms.

Councilmember Marks asked if the Council chooses to include a clock and art pedestals, if the location for placement of them has to be specified now. Merritt said the exact location would not be required although the items would need to be included in the bid alternates.

Councilmember Marks asked if the project could cover the cost of replacing a damaged section of existing sidewalk; Merritt said it may be possible but he would want to look at it with the City Manager before making a final determination.

Mayor Woodall asked if the bid alternate items would need to be prioritized at this time; City Manager Stretch said the bid package would need to be finalized by October 8th and pointed out that the more bid alternates there are, the more flexibility there will be.

Councilmember Thompson asked if there would be any potential liability to the City in the event there is an accident and the displayed art is involved; Merritt said that would be a legal question however there has been a lot of precedence set for art throughout the community.

Councilmember Thompson said he would like to see the design of the proposed sign match somewhat with the City's existing welcome sign. City Manager Stretch said the idea is to have a low-profile sign so that it is not overwhelming and suggested the local artists be approached for ideas.

Consensus of the Council was to include the town clock as a bid alternate. City Manager Stretch said he spoke with the clock manufacturer and the clocks are very nicely made and will last for many years.

Councilmember Marks stated she would like to include everything in the bid alternates.

Merritt Perry reminded the Council to keep in mind that there is only a 10% contingency for construction costs and with a federal project, it is likely every bit of that will be used.

Councilmember Wilson asked if there would be one bid or various bids; Merritt explained there would be one contractor with potential sub-contractors, stating it would be more costly to break out the bid into multiple bids.

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Members in the audience reiterated the idea of using community members to assist with plantings. Merritt Perry said the project must be in compliance with the Public Contract Code so it becomes difficult to utilize volunteers.

Alice Millington commented that Benji Banderas, a local artist, made a clock and had it displayed where he previously lived; she said it was remarkable.

Adam Dias asked what the timeframe would be for the placement of art; Merritt said there are exceptions for commissioning local art and as a soul source it would be consistent with the grant. He said a portion of the project budget would be allocated for art and there would be a specific contract for art.

Councilmember Wilson said he would like to see preference be given to local artists when it comes to selecting art and wanted assurance that the City Council would have the authority to make decisions over the contractor.

Merritt Perry said typically art work throughout a community is rotated. City Manager Stretch said if money is going to be held back to purchase art, it becomes the property of the City so how the art is to be obtained will need to be decided.

Mayor Woodall said she would like to entertain the idea of more community involvement but due to the timeframe felt there isn't time.

Merritt Perry noted that the City is not bound to have the final bid package submitted by October 8th.

City Manager Stretch recommended the submittal be postponed for one month so everyone is comfortable with the final bid package. He said the goal is to develop bid options, price that out and bring back the completed package to the Council on October 16th. Council concurred.

Merritt Perry suggested the Council direct staff to come back with a project budget.

ORDINANCES/SPECIAL RESOLUTIONS

Conduct Second Reading (by title only) and Approve Ordinance No. 296-2012 to Clarify by Amendment RDMC Sections 13.05.160 Concerning Charges for Installing Water Meters, and RDMC Section 13.10.140 Concerning Charges for Installing Sewer Services

City Manager Stretch provided a staff report and stated the proposed ordinance is before the Council for a second reading (by title only) and adoption.

A public hearing was opened at 7:32 p.m. to receive public comment on the proposed ordinance. There being no public comment, motion was made by Marks/Wilson to close the public hearing. Motion carried 5-0.

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Motion was made by Wilson/Thompson to conduct the second reading (by title only) and approve *Ordinance 296-2012 to Clarify by Amendment RDMC Sections 13.05.160 Concerning Charges for Installing Water Meters, and RDMC Section 13.10.140 Concerning Charges for Installing Sewer Services*. Motion carried 5-0.

Motion was made by Woodall/Thompson to add an unlisted item to the agenda titled "Approval of Resolution No. 1178-2012 Declaring Emergency and Amending the Final City Budget by \$7,500 for the Repair of the South Wall of City Hall and the North Side Ridge Beam on North Side of City Hall, Transferring said Revenue from the General Fund Reserve (00). Motion carried 5-0.

Approve Resolution No. 1178-2012 Declaring the Emergency and Amending the Final City Budget by \$7,500 for the Repair of the South Wall of City Hall and the North Side Ridge Beam, Transferring said Revenue from the General Fund Reserve (00)

City Manager Stretch provided a staff report and said after the agenda was posted it came to his attention that there are serious structural issues with the south wall of City Hall; the exterior wall of the police department, and the end of the ridge beam on the north side of the building. He said he met with a local building contractor to access the two areas of concern and learned that the ridge beam is rotten and seems to have a bird next in it. The contractor will need to cut into the beam to see whether the rot extends into the north wall. He said the contractor strongly recommends that the repairs be done before it rains.

City Manager Stretch said the siding on the south wall is a 12" tongue and groove redwood that is no longer available, but can be milled and beveled for a significant cost of \$2,500; compared to T-111 siding at \$480.00. He said the Council needs to provide staff direction to either keep the building original and have the siding milled or replace the redwood siding with T-111.

He said the estimate for the south wall is \$4,800 but there is no estimate yet for the ridge beam since the extent of the repair is unknown at this time.

He said under the California Public Contract Code, bids are not required for public projects costing less than \$5,000 and it is unknown whether the cost will be more or less than \$5,000, his recommendation is to proceed with approval of Resolution No. 1178-2012 to amend the City budget in the amount of \$7,500 for repair of the south wall of City Hall and the ridge beam on the north side of City Hall, with revenues in like amount being transferred from the General Fund Reserve (00); and declaring that this repair is an emergency and warrants the immediate expenditure of public monies to safeguard property; authorizing the City Manager to cause repairs to be made immediately without regard to the normal bidding procedures required by City Code or the California Contract Code.

Councilmember Thompson asked if the money for re-roofing of City Hall was included in the budget; City Manager Stretch said the money is set aside but not yet appropriated in the budget.

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Consensus of the Council was to proceed with replacement of the siding with T-111.

Motion was made by Thompson/Leonard to: 1) make the finding required by California Contract Code Section 22050 that the repair of the south wall of City Hall, at the Police Department, and the ridge beam at the north end of City Hall presents an emergency, due to the impending winter season, that will not permit a delay resulting from a competitive solicitation of bids, and that the action is necessary to that emergency; and 2) approve Resolution No. 1178-2012 *Amending the City Budget for Building Maintenance and Declaring the Need for Emergency Repairs*; and 3) authorizing the City Manager to commence and complete the emergency repairs at the earliest opportunity, up to \$7,500, reporting back to the City Council at every regularly scheduled meeting until the emergency repair is complete. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager Stretch reported on recent activities and events and said he was still waiting on bids for containment of the asbestos flooring in City Hall and said he spoke to four different contractors and they all have different approaches for dealing with the issue; said he has been in contact with Cooperative Personnel Services (CPS) to develop job descriptions for three positions: Water/Roadways Superintendent; Fiscal Assistant; and City Manager/Director of Public Works; was in contact with a window contractor and is waiting for a cost estimate for the replacement of 16 broken windows at City Hall; waiting for a cost estimate for upgrade of the electrical system at City Hall; and reported on available funding from the Federal Transportation Act Program (MAP 21) stating that he will be going over the program with the City Engineer to see what the City can qualify for.

Finance Director Beauchaine reported on recent activities in the finance department and said in regard to the Wastewater Rate Study she had to submit additional information and was awaiting their response; she was preparing information for the audit; and said she was looking into current water and sewer resolutions regarding how various use types are billed.

Chief of Police Hill reported on recent activities in the police department and said his department was sponsoring training over the next couple of days on High Risk Injury Entering Buildings and said thanks to John Broadstock they were able to facilitate the training on the third floor of the Scotia Inn. He said Ferndale Police Department was covering Rio Dell today so all of his officers could participate in the training and in turn, Rio Dell would be covering Ferndale the following day. He noted that the San Francisco SWAT team was here to provide some very valuable training.

Community Development Director Caldwell reported he had attended two HCAOG Workshops on RHNA (Regional Housing Needs Assessment); reported at the Planning Commission meeting on September 26th, the Commission approved an application for a variance for Rad Keller at 202 Columbus St., and approved a recommendation that the City Council establish new Parking Regulations; and approved a recommendation that the City Council amend the Town

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Center/Urban Residential General Plan and Land Use Designations. He said on the next Planning Commission agenda will be consideration of a draft Marijuana Ordinance. He also reported he was attempting to secure an intern from Humboldt State or College of the Redwoods free of charge to work on update of the City's GIS.

Wastewater Superintendent Chicora reported the Wastewater Treatment Plant Upgrade and Disposal Project was moving along as scheduled and said the last concrete pour for the bio tank would be done by the end of the week.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported on his attendance at recent meetings and said he was pleased to announce that Jill Duffy was hired as the new Executive Director for HWMA, and that everything is running smoothly at RCEA.

Councilmember Marks announced Jeannie Lancaster, Rio Dell Librarian for the past 11 years was leaving and extended an invitation to anyone who would like to stop by the library for cake and cookies on October 13th. She also commented that she would hate to see the rates for animal control services doubled and suggested the Council and staff come up with a solution to address the problem.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:45 p.m. to the October 16, 2012 regular meeting.

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
October 16, 2012**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager

FROM: Stephanie Beauchaine, Finance Director

DATE: October 10, 2012

SUBJECT: Position Allocation Schedule

RECOMMENDATIONS

Approve Resolution 1179-2012 Repealing Resolution No 1169-2012 Approving the Position Allocation Schedule for Fiscal Year 2012-2013.

BACKGROUND AND DISCUSSION

The attached position allocation schedule reflects the number of positions that were funded in the current adopted budget for fiscal year 2012-2013. The original position allocation table adopted by Resolution No 1169-2012 allocated 18.5 positions when it should have listed 17.5; an additional Utility Worker was included by mistake.

If adopted no positions will be added or deleted without an amending resolution of the City Council. This action also clarifies which positions are authorized for payroll processing.

Attachment: Position Allocation Schedule Fiscal Year 2012-2013

**RESOLUTION NO. 1179-2012
CITY OF RIO DELL
REPEALING RESOLUTION NO 1169-2012
AND
APPROVING THE POSITION ALLOCATION TABLE
FOR FISCAL YEAR 2012-2013**

WHEREAS, the City is required to adopt an annual operating budget pursuant to City of Rio Dell Resolution 966-2007; and

WHEREAS, the City establishes a staffing plan each year that is incorporated into and funded through the annual budget; and

WHEREAS, the City Finance Department is charged with the duty of processing payroll for approved staffing positions; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the Position Allocation Table for Fiscal Year 2012-2013 as follows:

Job Title	2010- 2011 FTE	2011- 2012 FTE	2012- 2013 FTE
Accountant II	-	1.00	1.00
Administrative Assistant	1.00	-	-
Chief of Police	1.00	1.00	1.00
City Clerk	1.00	1.00	1.00
City Manager	1.00	1.00	0.50
Community Development Director		1.00	1.00
Finance Director	1.00	1.00	1.00
Fiscal Assistant I	1.00	1.00	2.00
Fiscal Assistant II	1.00	1.00	-
Police Corporal	1.00	-	-
Police Officer	5.00	3.00	3.00
Police Records Technician	1.00	-	-
Police Sergeant	1.00	1.00	1.00

Public Works Leadman	1.00	1.00	1.00	
PW Administrative Technician	1.00	1.00	-	
Senior Fiscal Assistant	1.00	-	-	
Utility Worker I	3.00	4.00	3.00	*
Utility Worker II		-	-	*
Wastewater Superintendent	1.00	1.00	1.00	
Water & Roadways Superintendent	1.00	1.00	1.00	
Public Works Director	1.00	-	-	
Total	24.00	20.00	17.50	

PASSED AND ADOPTED by the City of Rio Dell on this 16th day of October, 2012.

Ayes: Woodall, Leonard, Marks, Thompson and Wilson
 Noes: None
 Abstain: None
 Absent: None

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

City of Rio Dell
Position Allocation Table
Fiscal Year 2012-2013

Job Title	2012-2013 Bi-Weekly Salary Range		2010-2011 FTE	2011-2012 FTE	2012-2013 FTE
Accountant II	47,758.00	50,806.00	-	1.00	1.00
Administrative Assistant	27,921.00	31,728.00	1.00	-	-
Chief of Police	76,263.00	81,131.00	1.00	1.00	1.00
City Clerk	49,595.00	56,358.00	1.00	1.00	1.00
City Manager	102,472.00	109,013.00	1.00	1.00	0.50
Community Development Director	70,433.00	74,862.00		1.00	1.00
Finance Director	64,755.00	68,822.00	1.00	1.00	1.00
Fiscal Assistant I	27,252.00	30,968.00	1.00	1.00	2.00
Fiscal Assistant II	30,552.00	31,594.00	1.00	1.00	-
Police Corporal	44,239.00	50,271.00	1.00	-	-
Police Officer	39,827.00	45,257.00	5.00	3.00	3.00
Police Records Technician	31,406.00	35,688.00	1.00	-	-
Police Sergeant	49,193.00	55,901.00	1.00	1.00	1.00
Public Works Leadman	31,587.00	35,894.00	1.00	1.00	1.00
PW Administrative Technician	33,564.00	38,141.00	1.00	1.00	-
Senior Fiscal Assistant	35,373.00	40,197.00	1.00	-	-
Utility Worker I	24,958.00	28,361.00	3.00	4.00	3.00
Utility Worker II	27,467.00	31,212.00		-	-
Wastewater Superintendent	45,989.00	52,260.00	1.00	1.00	1.00
Water & Roadways Superintendent	50,588.00	57,486.00	1.00	1.00	1.00
Public Works Director	Position Eliminated		1.00	-	-
Total			24.00	20.00	17.50

* Positions within identified classes are flexibly allocated.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



To: Honorable Mayor and City Council Members

From: Jim Stretch, City Manager

Date: October 2, 2012

Subject: Status report on Wildwood Avenue Enhancement Project description and budget

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Receive and file this report, and
2. Agendize the topic for the November 8, 2012 regular Council meeting

BACKGROUND AND DISCUSSION

On October 2, 2012 the City Council received a report from the City Manager and City Engineer staff concerning the budget and bid alternatives for the Wildwood Avenue Enhancement Project. The Council requested that staff return on October 16, 2012 with a new project description, budget and a recommendation for a priority ranking of bid alternates. Unfortunately, the City Manager has not been able to finish the report to his satisfaction and, thus, requests that the topic be carried forward for the November 8, 2012 agenda.

*675 Wildwood Avenue
Rio Dell, CA 95562*



TO: Mayor and Members of the City Council
THROUGH: Jin Stretch, City Manager
FROM: Karen Dunham, City Clerk
DATE: October 16, 2012
SUBJECT: Appointment for Vacancy on the Rio Dell Planning Commission

RECOMMENDATION

Approve appointment of Billy Joe Long to the Rio Dell Planning Commission to fill the unexpired term ending December 31, 2012.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

There is currently one (1) vacancy on the Rio Dell Planning Commission as the result of the resignation of Dave Gonzales.

As you are aware, the procedures for appointments by the City Council for vacant positions on Boards or Commission as set forth in Resolution No. 822.1-2002, allows applicants the opportunity to make a short presentation to the Council at a public meeting.

Mr. Long is the only applicant at this time wishing to be considered for appointment, and will be present at the meeting to answer any questions Council may have regarding his background and qualifications for the position.

ATTACHMENT: Application for Commission Appointment

CITY OF RIO DELL
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

APPLICATION FOR COMMISSION/BOARD

NAME Billy Joe Long DATE 09/27/2012
ADDRESS 94 Painter St. HOME PHONE (707) 764-3855
Rio Dell, CA 95562 BUSINESS PHONE (707) 601-1408

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Rio Dell Planning Commission

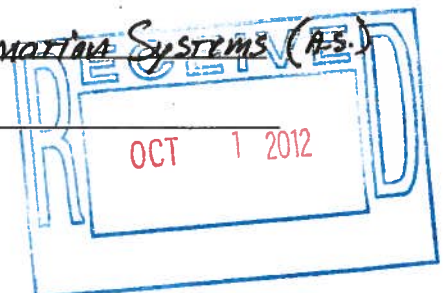
OCCUPATION Computer consultant / service technician

HOW LONG HAVE YOU LIVED IN RIO DELL? 30 years ^{lived in Eureka} (for 7 years - just moved back)

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES _____

ADDITIONAL PERTINENT INFORMATION/REFERENCES _____

EDUCATION College graduate: ~~in~~ Computer Information Systems (A.S.)
and ~~in~~ Computer Programming (A.S.)



Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

My family and I have moved back to Rio Dell with the
intention of living here for the rest of our lives. Because
of that intent, I feel like I need a constructive way
to contribute to our community. I feel like being on
the planning commission is a great way to contribute.

2) What special talents/experience/education do you possess that will be useful in this position?

I enjoy reading technical documentation, and have
a critical eye for detail, which I believe will be
of great value to the commission.

Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



October 16, 2012

TO: Honorable Mayor and City Council Members

FROM: Jim Stretch, City Manager

SUBJECT: Report on declaration of emergency for reconstruction of south wall of City Hall and repair of the ridge beam on north side of City Hall

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. By 4/5 vote, make the finding required by California Contract Code Section 22050 that the repair of the south wall of City Hall, at the Police Department, and the ridge beam at the north end of City Hall continues to present an emergency as set forth in Rio Dell Resolution 1178-2012.

BACKGROUND AND DISCUSSION

On October 2, 2012 the City Council added an urgency item to the agenda concerning serious structural issues with the south wall of City Hall; the exterior wall of the Police Department (PD), and the end of the ridge beam on the north side of the building. The Council made the finding that the repairs presented an emergency that would not permit a delay resulting from a competitive solicitation of bids, due to the impending winter rain season. The City Manager was authorized to engage contractors to complete the repairs at the earliest opportunity, within the \$7,500 limit set by the Council.

The status of the project is that a local contractor has been engaged and replacement windows on the south wall have been ordered. The receipt of the windows and the contractor's availability puts the repair out 2-3 weeks.

California Public Contract Code section 22050 provides that the legislative body shall review the emergency action taken at every regularly scheduled meeting to determine by at least 4/5 vote that the emergency continues.


Cc: Finance Director
Chief Graham Hill


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: August 21, 2012
CONTINUED FROM JULY 17, 2012 MEETING

To: City Council

From: Kevin Caldwell, Community Development Director 

Through:  Jim Stretch, City Manager

Date: August 13, 2012

Subject: Albin General Plan and Zone Reclassification

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed General Plan and Zone Reclassification;
2. Open the public hearing, receive public input and deliberate;
3. Consider the application and based on information contained in the staff report, the applicant's justification, public comments, the Planning Commission's recommendation;
4. Adopt Resolution No. 1157-A-2012 **denying** the proposed General Plan Amendment and Zone Reclassification designating approximately 3 acres from Community Commercial (CC) to Urban Residential (UR);

Alternative

5. Introduce Ordinance No. 290-2012 and Resolution No. 1157-B-2012 amending the plan and zoning designation of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and continue consideration of the proposed Ordinance and Resolution to your meeting of September 4, 2012 for second reading and adoption.

Background

In an attempt to save copy costs, staff did not include some of previously provided attachments which were previously provided. **If you need another copy of those attachments, please let staff know.**

As you're aware the Council considered the Albin amendments at the meeting of May 15th. Both Council members Leonard and Marks were not able to attend the meeting. After public comment, Council members, Wilson, Thompson and Mayor Woodall discussed and deliberated the application. I believe the Council felt that the proposed amendments have both advantages and disadvantages. Council member Wilson felt that it was in the City's best financial interest to redesignate the property Community Commercial to Urban Residential.

Following the discussion, Council member Wilson made a motion to approve the proposed General Plan Amendment and Zone Reclassification. The Motion was seconded by Council member Thompson and the Council voted 2-1 to approve the requested amendments. There was subsequent discussion regarding the Council's action and whether a majority of the entire Council was required in order to approve the proposed amendments. At that point the Council determined that it would be in the best interest of the City to have the other Council members consider and vote on the proposed amendments. As such, Council member Wilson made a motion to withdraw his original motion and continue the item to the meeting of June 5th. The motion was seconded and passed 3-0.

Staff subsequently reviewed the Government Code regarding Plan Amendments and Zone Reclassifications and determined that a majority of the total membership of the legislative body is required in order to approve General Plan Amendments. Staff checked with legal counsel and it was confirmed that a majority of the entire Council is required to approve General Plan Amendments.

Based on Council member Wilson's comments regarding the financial advantage to the City in redesignating the parcel to Urban Residential, staff looked into the tax advantages and disadvantages of commercial development versus residential development. The "Guide to California Planning", Third Edition, by William Fulton and Paul Shigley contains an excellent discussion of on tax revenue and its link to land use planning. Below is a summary of the discussion.

Most cities and counties in California receive the vast majority of their tax revenue from two sources: property tax and sales tax. (Subventions from the state and the federal government, usually passed through the state, often provide the largest shares of city and county general fund revenue.) Prior to the passage of Proposition 13 in 1978, property tax was the most important source of local government revenue. However, since Proposition 13 placed restrictions on property tax rates, sales tax revenue has become the key source of revenue for local government. In many communities, sales tax revenue actually exceeds property tax revenue.

Under Proposition 13, property tax rates are limited to one percent of a property's assessed value. Generally speaking, the rate cannot be increased except when approved by a two-thirds vote of the local residents—a difficult task, but achievable for construction of police stations, libraries, and other highly popular items. Furthermore, property may not be reassessed except when it is sold or when new construction occurs. If property is not sold, assessed value may rise by no more than two percent per year, no matter how rapidly the market value is rising.

Property tax revenue, though collected by counties, is typically divided among city, county, school district, and special districts. Under complex formulas that are determined by the state and are different for every county, school districts typically get 50 to 60 percent of property tax revenue. Usually, cities each get about 15 percent of property tax revenues, while counties get about 25 percent. **However, based on recent information provided by the County Tax Collector's office, the City receives 6 percent or 6 cents for every dollar of property tax revenue.**

Because property tax revenue after Proposition 13 bears little relationship to the cost of providing a property with public services, some developments are clearly winners and some are clearly losers for local government. An office building or shopping center pays a lot of property tax, but takes up relatively little land compared with a subdivision, requires minimal police and fire protection, and produces no children who must be educated by the local schools. A subdivision of single-family homes stretches across the landscape, requires extensive police and fire protection, and generates a vast number of children who must be educated. But the subdivision produces relatively little property tax revenue and no sales tax revenue. For most cities and counties, the subdivision is a direct money loser. Below is a copy of a diagram that illustrates the revenue benefits of retail development.

Revenue Benefits of Retail Development

Shopping Center	vs.	Residential Subdivision
Pays higher property taxes on less land		Pays lower property taxes on more land
+		+
Generates sales tax revenue		Generates NO additional revenue
+		+
Requires minimal fire and police protection		Requires extensive fire and police protection
+		+
Generates no new children to be educated		Generates many new children to be educated
=		=
Revenue PRODUCING Project		Revenue DRAINING project

Source: Guide to California Planning

Assuming the Albin property was redesignated from Community Commercial to Urban Residential and developed with 15 new residences averaging \$250,000 each, the total assessed value of the subdivision would be \$3,750,000. Based on the 6 percent or 6 cents for every dollar of property tax revenue the City receives, the City would receive \$2,250 in property tax revenue. Obviously this is much less than most would expect.

On the other hand, staff checked into the assessed values of the Walgreens in the Strong's Creek Plaza in Fortuna. The assessed value of the 1.53 acre parcel (land) is \$1,537,866 and the assessed value of the building and improvements (parking lot, landscaping, lighting, etc.) is \$4,049,717. The total assessed value is \$5,587,583. Therefore the property tax revenue to the City would be about \$3,350 a year. However, assuming estimated modest sales revenue of \$10,000 per day for 360 days a year, this would result in about \$3,600,000 in annual sales revenue. This would result in additional \$36,000 in City sales tax revenue.

Obviously it's clear that commercial development produces much more potential tax revenue than residential development.

Discussion

Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR). Included as **Attachment 1** is the applicant's justification for the proposed amendments.

The property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965. The R-3 zone principally permitted single family, two family and dwelling groups and multiple dwellings for not more than four families.

The property was redesignated in 2004 to Community Commercial. At that time the parcel included some lands to the east of the subject property which was and is designated Urban Residential. In May of 2006, a minor subdivision creating four parcels and a Remainder (the subject parcel) was approved. Sometime in 2008 or 2009 the applicant informally requested the City consider redesignating the parcel from Community Commercial to Urban Residential. At that time, the City chose not to consider amending the land use designations.

As indicated above, the applicant's agent has submitted justification in support of making the required Public Interest and General Plan consistency findings. Below is a summary of the justification:

Public Interest

- Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use;
- Residential development will not require modifications to the Gateway improvements

adjacent to the parcel;

- Redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel;
- Residential development will not detract from the view of the Scotia bluffs and be easy to landscape for privacy.

General Plan

- The General Plan encourages commercial development in the Town Center. Consistent with this policy, redesignating the parcel to Residential will further encourage commercial development to the Town Center and the Todd parcel ;

The General Plan encourages commercial development to strengthen and diversify the local economy throughout the community. Of course eliminating potential commercial use of the property would limit commercial development opportunities in the community.

- The General Plan encourages compatible development. Residential development would be more compatible with the existing surrounding residential development.

The General Plan does call for the City to "Develop a review procedure as part of the zoning ordinance to ensure that proposed uses are compatible with existing uses." As the Council is aware the City recently adopted Design Review Guidelines. The purpose of the design review process is to promote orderly and harmonious growth within the City.

The Planning Commission considered the application at their meeting of April 25, 2012. Based on information provided to the Commission and comments from the public, the Planning Commission is recommending denial of the proposed amendments at this time. The Planning Commission denied the application for the following reasons:

- Limited amount of available, vacant, viable Community Commercial land;
- Parcel has very good visibility and convenient highway access;
- Existing inventory of residentially designated lands.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The applicant's agent has submitted justification for the proposed amendment which is included as **Attachment 1**. In regards to the required Public Interest finding, the applicant provided the information below as evidence that the proposed amendment is in the public interest:

"It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area

will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood. "

In addition, the applicant's agent provided the following information as part of the justification included as Attachment 1:

"It was once believed that this parcel's proximity to US 101 would make it an ideal commercial site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101."

It should be noted that the above reference to the parcel along US 101 is the Todd parcel that the City was pursuing for acquisition and development. However, this parcel was and is already zoned Community Commercial.

Staff Analysis

In order to determine if the proposed amendment is in the public interest, staff believes we need to evaluate the commercial and residential land use inventory for the City. Table 1 below identifies the amount of commercial and residential land within the City.

**Table 1
Commercial/Residential Lands**

Land Use/Zoning Designation		Acres	% of City
CC	Community Commercial	33	2.6%
NC	Neighborhood Commercial	6.0	0.5%
TC	Town Center	48	3.8%
UR	Urban Residential	323.6	25.3%
SL	Suburban Low	188	14.7%
SR	Suburban Residential*	21.7	1.7%
RR	Rural Residential	334	26.1%

**Does not include approximately 55.5 acres of the Blue Slide Road Annexation*

Residential Lands

As the above table indicates, there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City. The current residential land use designations could accommodate approximately 3,150 additional parcels, resulting in a population of almost 8,000 people within the City limits.

In addition, should the Dinsmore Plateau be redesignated from 5 acre minimum parcel size to 1 acre or ½ acre minimums, this would accommodate an additional 125 or 250 parcels (not including potential second units), adding another 300 or 600 potential residents. Furthermore, there is approximately 75 acres east of Highway 101 that is designated 1 acre minimums due to the Cease and Desist Order (CDO) placed on the City as a result of the City's antiquated Waste Water Treatment Plant (WWTP). Once the WWTP project is complete, the CDO will be lifted

and the area will likely be redesignated Urban Residential. Redesignating this area could result in up to 400 additional parcels or another 1,000 residents, not including second units.

There are currently 22 residential properties for sale within the City. In addition, the Town of Scotia is expected to record Phase I of their subdivision by the end of the year or the spring of next year. Once recorded an additional 128 residential properties will be for sale.

Obviously, based on the above information, at this point in time there is no need for additional residential lands within the City.

Commercial Lands

Although the City has more than enough lands for residential development, only about 4% of the City's land base is designated commercial. Again, referring to the current land use inventory only 2.6% or 33 acres of the City is zoned Community Commercial.

There are twenty (20) parcels in the City that area zoned Community Commercial. Please refer to the map included as **Attachment 2**. Of those twenty parcels, **only four are vacant**. Please refer to Table 2 and the map included as **Attachment 3**. Of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet. The other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide. In addition, although not permanent, the southerly portion of the parcel is developed with the Community Garden and Orchard. Staff believes that the only parcel with realistic commercial development potential is APN's 052-232-005 & -010. This parcel is a little over a 1/3 of an acre and has excellent access and visibility making ideal for future commercial development.

Table 2
Vacant Community Commercial Parcels

Assessor Parcel Number	Size Sq. Ft.	Developed	Use	Frontage Street	Comments
052-211-022	14,460	No	Vacant	Wildwood Avenue	Parcel is 50'+/- deep. Development potential is very limited.
052-222-004	8,276	NO	Vacant	Wildwood Avenue and Center Street	Parcel is limited due to its size.
052-232-041	6,724	NO	Vacant	Davis Street	Parcel is limited due to its size.
052-232-005 & -010	30,055	NO	Vacant	Davis Street and Ireland Avenue	Very good development potential.

According to both the General Plan and Zoning designations, the purpose of the Community Commercial or CC land use and zoning designation is to provide for large-scale commercial uses, including super-markets, offices, lodging and civic uses. In addition, all uses allowed as

conditionally permitted uses in the Neighborhood Commercial zone are also principally permitted.

One of the twenty parcels is the Todd parcel discussed above and it does have very high development potential. The Todd parcel is approximately 18 acres and is developed with a single family residence and barn. As indicated above, the City pursued the purchase and subsequent development of the parcel. Although the City offered the property owner \$975,000 for the parcel, the property owner wanted \$50,000 guaranteed should the City not be able to complete the terms of the purchase agreement. As such, staff believes the City should not count on this parcel being developed in the near future.

Notwithstanding the asking price (\$385,000) of the Albin parcel, past subdivisions of the parcel, which reduced its size and the Gateway road improvements along the frontage of the parcel which will require additional expenditures to develop may have an impact on the parcels commercial viability.

The applicant's agent has pointed out that the parcel has been on the market for close to 2 ½ years. However this in itself has little, if any, bearing on the commercial viability of the parcel. Real estate sales in general are down not only in Humboldt County, but throughout the country as well. In addition, the applicant's agent has provided the following justification on support of the proposed amendments:

- *Some commercial uses have developed northerly along Wildwood Ave. towards this site. Further commercial development along Wildwood would continue the fragmentation of the Town Center.*

Staff disagrees. The commercial development of the parcel should not have an impact on the "fragmentation" of the Town Center. In fact, it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

- *Commercial development should be encouraged in the Town Center or adjacent to US 101 where it's possible to draw the traveling public.*

Staff agrees. Commercial development should be and is encouraged in the Town Center. However, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *This parcel does not have good US 101 visibility and any commercial development here would draw business away from Town Center.*

Staff disagrees. The subject parcel and the Todd parcel provide the best highway visibility of any of the parcels designated Community Commercial. Please refer to the photos included in **ATTACHMENT 4**. Again, staff believes if we can encourage the traveling public to notice commercial/shopping opportunities within the City that it will help attract business to the downtown area.

- *Raw land is more easily developed into today's retail/commercial type businesses. Converting existing structures into desirable retail space is difficult with today's building code requirements.*

Staff agrees. This justification actually supports retaining the property as Community Commercial. There are very few vacant parcels in the Town Center designation that can be commercially developed. Again, the Town Center and Community Commercial designations are intended to provide different commercial use types.

- *Another problem with this parcel is that a commercial establishment would want to take access from Wildwood Ave. which the City would prefer not to allow.*

Staff disagrees. Access off of Wildwood Avenue was and is expected as part of any commercial development of the site. In fact, the parcel's location on Wildwood Avenue adjacent to the Highway is one of the parcels attributes that is identified in the parcels multiple listing on the Humboldt Association of Realtors website.

Council member Thompson has expressed concerns regarding the potential grade/slope of the access roads/driveways from Wildwood Avenue onto the parcel. Based on contour information prepared by Ontiveros and Associates, staff calculated the slope from the existing Wildwood Avenue roadway to a point 45 feet east of the existing property, which is 60 feet from the roadway. The 60 foot distance was used based on the location of a conceptual parking lot access off the extension of North Street. $\text{Grade} = (\text{rise/run}) \times 100$. The difference in elevation (rise) is about 6 feet. Therefore, the grade from Wildwood Avenue to the intersection of the conceptual parking lot is $(6/60) \times 100 = 10\%$. The City's Standard Improvement Specifications regarding street grades is below.

Section III-2

F. Grades of Streets and Highways. No street or highway shall have a grade of more than twelve percent (12%) unless, because of topographical conditions or other exceptional conditions, the City Engineer determines that a grade in excess of twelve percent (12%) may be necessary.

Although, the anticipated grade does comply with the 12% maximum, it's expected that the parking lot encroachments would also be sloped, thus reducing the 10% grade to closer to 6% to 8%. It should be noted that the northern access off of Wildwood Avenue into the former Humboldt Hydroponics/Wildwood Feed store is approximately 9%.

- *Allowing this parcel to develop into a commercial enterprise would weaken the resolve to maintain a core downtown area.*

Staff disagrees. Again, the commercial development of the parcel should not have an impact on the commercial viability of the Town Center. As indicated above, Town Center and Community Commercial designations are intended to provide different commercial use types. Furthermore, as previously indicated it is staff's opinion that the commercial development of properties adjacent to and visible from Highway 101 will help attract the traveling public to the City, including the downtown area.

Based on the above discussion and the applicant's justification, it is staff's opinion that the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

The purpose of the General Plan is to provide a balance of use types to encourage and facilitate planned orderly development within the City. Below are goals and policies of the General Plan associated with the proposed amendments:

- Promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones.

The various commercial designations are intended to provide a variety of commercial uses. Based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time. Should base information and/or community values and assumptions change, it would certainly be reasonable to reevaluate land use designations throughout the City.

- Provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center.

As previously discussed and documented, there is a **very limited** supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare.

- Encourage the creation and retention of employment opportunities that provide sustainable wages and benefits for Rio Dell residents by promoting a thriving local retail, personal services and commercial sector.

The redesignation of the parcel from Commercial to Residential is not consistent with this policy. In fact changing the designation is contrary to this policy. Not only does the commercial designation hopefully provide goods and services to the City's residents, it will also create jobs.

- Encourage infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere.

Staff believes amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy. However, it could be argued that amending the land use designation as requested could facilitate additional commercial development in the Town Center.

- Monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities.

The applicant's agent has pointed to the fact that the parcel has been on the real estate market for over 2 ½ years. This could indicate that the current demand for commercial land in Rio Dell is not present. However, there has not been a big demand for commercial and residential development in the County for a number of years. As previously discussed, based on the amount of existing residential and commercial land within the City and the fact that under the current residential designations the City can grow close to the size of the City of Fortuna, there

is currently no need to increase the amount of residential land in the City. In fact, it is likely that additional commercial lands will be needed.

At this point in time, based on existing General Plan goals and policies and the existing land use base, staff believes the proposed amendments **are not consistent the General Plan** and its implementation policies and programs.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

State law requires that any amendment of a general plan comply with the California Environmental Quality Act (CEQA). The primary purpose of CEQA is to inform the decision makers and the public of potential environmental effects of a proposed project. Since the project is a discretionary action subject to CEQA, an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project. Because residential development of the site is a “foreseeable” project under the proposed amendments, staff evaluated the impacts of residential development on the site. Through preparation of the Initial Study, it has been found that there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level. These measures are documented in the Initial Study and Draft Mitigated Negative Declaration which has been prepared and was previously provided to your Council. The Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012. Pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days.

Financial Impact

The applicant is responsible for the costs associated with the proposed amendments.

Alternatives

The City Council may approve in whole or in part or deny of the proposed amendments. Should the City Council believe the required findings can be made; the Council should introduce the draft Ordinance and Resolution and continue the hearing to the meeting of September 4, 2012 for the second reading, approval and adoption.

Attachments

Attachment 1: Applicant’s justification regarding the proposed amendments.

Attachment 2: Map of Community Commercial parcels.

Attachment 3: Map of the four vacant Community Commercial parcels.

Attachment 4: Photographs of the site from Highway 101.

Attachment 5: Initial Study and Mitigated Negative Declaration. **Previously provided.**

Attachment 6: Draft Ordinance No. 290-2012 and Resolution No. 1157-A-2012 denying the proposed amendments.

Attachment 7: Draft Resolution No. 1157-B-2012 approving the proposed amendments.

CITY OF RIO DELL
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PLANNING DEPARTMENT
Case No. _____
Application Fee _____
Consulting Deposit _____

SUPPLEMENTAL APPLICATION FOR:
GENERAL PLAN AMENDMENT

1. Describe the Proposed Plan Amendment:

Answer: This is a map change from "Community Commerical" to "Urban Residential".

2. Indicate why the need for the proposed plan designation cannot be met on other appropriately designated lands in the City(map change only):

Answer: The Gateway Neighborhood is already predominantly residential, with a mix of single-family residences, mobile homes parks, the Rio Dell School, Fire Station and other civic uses. Some commerical uses have developed northerly along Wildwood Ave. towards this site. Further commerical development along Wildwood would continue the fragmentation of the Town Center. This property has been on the market under its "Commerical" zoning for 2.5 years with no buyers.

3. Indicate those goals, objectives, policies, strategies and/or programs of the General Plan which are supported or implemented by the Plan Amendment request and explain the reasoning behind this contention:

Answer: Commerical development should be encouraged in the Town Center or adjacent to US 101 where its possible to draw the traveling public. This parcel does not have good US 101 visibility and any commerical development here would draw business away from Town Center. Raw land is more easily developed into todays retail/commerical type businesses. Converting existing structures into desireable retail space is difficult with todays building code requirements. Another problem with this parcel is that a commerical establishment would want to take access from Wildwood Ave. which the City would prefer not to allow. Converting this parcel to "Urban Residential" would allow residential parcels to back up to Wildwood Ave. with an interior street connecting North St. to Pine St. with no outlet to Wildwood Ave.

4. Indicate those goals, objectives, policies, strategies and/or programs of the General Plan that conflict with the Plan Amendment request; show how those items should be amended to be consistent with the request, and present substantial evidence to justify those changes.

Answer: Vacant land for commerical development will be reduced. Vacant commerical land is scarce in Rio Dell and its zoning must take in to account economic realities. Any commerical development away from Town Center could further reduce the viability of Town Center. Sales tax revenue could be reduced with a reduction of commerical zoned property. Increases in sales tax must be based on spending by non-residents and commerical location is crucial in getting the non-residents to stop and spend.

5. Document the economic costs and benefits to the City.

Answer: The loss of vacant land zoned for commerical use may cost the City new businesses. It was once believed that this parcel's proximity to US 101 would make it an ideal commerical site for serving traffic on the highway. Now, the City has identified a more appropriately located parcel along US 101. The addition of about 14 residential lots will preserve the residential use in this area and avoid conflict between residential and commerical uses. The City would be relieved of the problem of providing reasonable access to Wildwood Ave. for

commerical use. The backyards of residential lots will not detract from the view of the Scotia bluffs and be easy to landscape for privacy.

6. Specify any significant environmental effects that would be expected if the proposal were approved:

Answer: The effects of development whether residential or commerical, will result in increased surface water runoff. A new street for residential use or a paved parking lot for a commerical use can be mitigated by retention basins and/or bio swales and the requirement to make storm drain improvements.

7. Discuss the compatibility of the proposed Plan Amendment with adjacent land uses.

Answer: Re-zoning to "Urban Residential" would make this parcel compatible with the surrounding existing residential use.

8. Describe the impact of the proposal on traffic and circulation systems.

Answer: The addition of 14 residential lots will have minimal effect on the residential streets. A new street connecting North St. to Pine St. will provide circulation within the community with the feeling of living on a cul-de-sac. May St. and Painter St. will experience more traffic. Most traffic would turn on Painter St. towards Wildwood Ave. and turn left onto Wildwood Ave. to go downtown or right to access US 101. At certain times of the day, people may choose to go east on Painter St. to Ireland St. and south to Davis St. to access US 101 or the downtown area.

9. Evaluate the adequacy of public service systems to accommodate the change in the General Plan.

Answer: This area currently has access to all "public service systems" that exist within the City of Rio Dell. Any new development will be required to install its fair share of infrastructure to accomadate future residents. An existing sewage collection system is in place. New water mains will be installed on North St. Existing storm drains will be extended along North St. PG&E currently supplys existing residents with electricity and gas, telephone services exist, waste disposal services are available, police and fire protection are already provided in this area. An elementary school is within walking distance to this site.

10. Analyze the impacts of the proposal on the long-term development phasing of the City and on the City as a whole.

Answer: During the current recession it is unlikely that residential buildout will occur within the next 5 to maybe 10 years. Much depends on factors outside the control of the City. This area of May St., North St. and Pine St. is surrounded by residential use. Allowing this parcel to develope into a commerical enterprise would weaken the resolve to maintain a core downtown area. Hopefully, the Humboldt Redwood Mill in Scotia will continue to expand bringing more jobs to the area. With the subdivision of the town of Scotia, more permanent residents in the area will spill over and be beneficial to businesses in the downtown area of Rio Dell.

11. Analyze the impacts of the proposal on each individual element of the General Plan not previously discussed:

Answer: Conservation Element; this property has been used for grazing of livestock and the making of hay. The property is bounded on the north by the US 101 freeway and on the other sides by residential development which precludes the use by wildlife. Open Space Element; the Eel River corridor provides open space for residents of Rio Dell as well as the viewshed of surrounding forests and the Scotia Bluffs. Noise Element; Highway 101 is a minimal noise source for the northerly portion of the property which can be mitigated by tree screening and well insulated houses. Safety Element; this area is in an active seismic zone which is addressed by

current building codes. The threat of flooding from the Eel River and local drainages is not an issue. The threat of wild fire is very low in this urban setting.

12. Prepare findings that are based upon identified and documented facts and clearly demonstrate how the proposal is in the public interest.

Answer: It is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave. Rio Dell is not a destination area which will attract the vacationing public to the City. The "Town Center" area of the City stands to benefit from the attractions, subdivision and industrial uses located in the town of Scotia. Residential use of this area will not create the need for additional access onto Wildwood Ave. Residential use is consistent and compatible with the existing residential neighborhood.

RESPONSE TO STAFF REPORT ON
ALBIN GP/ZONING AMENDMENT

April 17, 2012

Analysis of Community Commerical zoned properties:

As quoted from staff report "community commerical land use and zoning is to provide for large scale commerical uses, i.e. super markets, offices, lodging and civic uses." Whether the frontages of Wildwood Avenue, from the south end to the US 101 overpass, are best suited to be reserved for community commerical is the question. The answer to the question revolves around what "professional" planners believe the City of Rio Dell should look like over the coming 10 to 20 years. The future is very un-certain. Do the citizens of Rio Dell want this area to develop commercially? Do they care if this property stays vacant for 2 more years, or 5 more years? Do they want this area to develop if it means that the downtown area will continue to decline? Are we carefully taking into account the affects, now and in the future, of the Town of Scotia? How much equivalent commerical acreage exists in Scotia? Is the permitting process easier, the same or more difficult in the Town of Scotia compared to Rio Dell? How long should a property owner be held hostage to a zoning designation?

Analysis of Attracting the "Traveling Public" to Rio Dell:

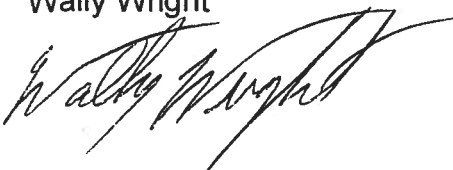
The presumption that the "traveling public" will "see" something that will cause them to exit US 101 into the City of Rio Dell does not fit with my traveling experiences. First, you are traveling 65 miles per hour on a freeway. Secondly, you need to have some sort of advertising so that you know that what ever it is you are looking for is available via a freeway offramp. Freeway advertising conflicts with the groups wanting to keep our "Redwood Highway" free of billboards. This site is not visible from the freeway. The Todd parcel, on the other hand, has the visibility from the freeway, at least for north bound traffic, to take advantage of the "freeway visibility factor". Development of the Todd parcel would likely soften the demand for "community commerical" property for years into the future rather than create a "demand" for commerical development.

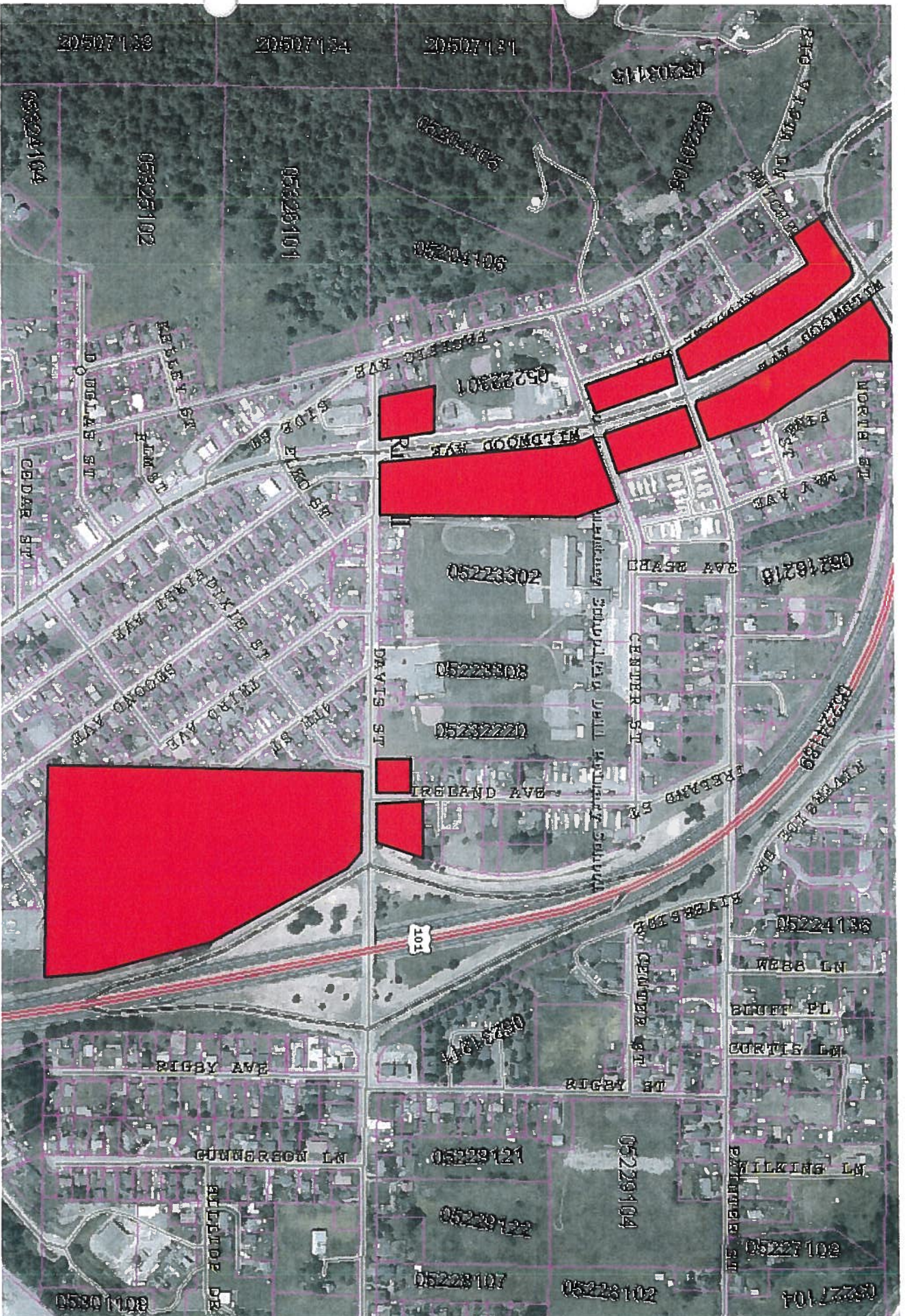
Analysis of "General Plan" goals:

Every community in the State would like businesses to open and expand in their communities. How successful has the "promotion" of commercial and light manufacturing in appropriate commerical zones been? "Light manufacturing" may not be appropriate at this site due to the surrounding residential uses. The Eel River Sawmill site would be ideal for "heavy" or "light" manufacturing. Some types of commerical development would be suitable at this site, but some types would conflict. Allowing access from Wildwood Ave would require a complete re-design of the "Gateway" approach to downtown Rio Dell. Looking at the aerial map, Attachment 3, the current use of properties north of Center St. and east and west of Wildwood Ave is for residential use. The "General Plan" is designed to be amended and the applicant feels that the current and future economic realities justify a review of the zoning on this parcel.

Respectfully submitted for the Albin General Plan Amendment:

Wally Wright





Attachment 2

Albin General Plan Amendment and Zone Reclassification
Community Commercial Parcels





Albin General Plan Amendment and Zone Reclassification
Vacant Community Commercial Parcels



Albin Property
Looking South from Highway 101 Overpass



Albin Property
Looking South from Highway 101

Albin General Plan Amendment & Zone Reclassification

Attachment 5: Initial Study and Mitigated Negative Declaration.
Previously provided.

RESOLUTION NO. CC 1157-A-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL DENYING THE ALBIN
GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS there is ample residential land, approximately 323 acres of lands designated Urban Residential and a total of about 870 acres, to facilitate residential development within the City; and

WHEREAS at this point in time there doesn't appear to be need for additional residential lands within the City; and

WHEREAS in contrast there is only about 33 acres designated for Community Commercial development; and

WHEREAS there are only twenty (20) parcels in the City that area zoned Community Commercial; and

WHEREAS of those twenty parcels only four are vacant; and

WHEREAS of the four vacant parcels, only one parcel (APN's 052-232-005 & -010); located at the intersection of Davis Street and Ireland Avenue is larger than a 2/3 of an acre or 30,055 square feet; and

WHEREAS the other three vacant parcels are 6,724 square feet, 8,276 square feet and 14,460 square feet respectively. The 14,460 square foot parcel (APN 052-211-022) is owned by the Baptist Church and is only about 50 feet deep and about 300 feet wide; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is not in the public interest** at this time; and

WHEREAS the General Plan calls to promote a variety of commercial uses and allow light manufacturing in appropriate commercial zones; and

WHEREAS based on the limited development potential of all lands designated Community Commercial, it is staff's opinion that the removal of Community Commercially designated lands may be premature at this time; and

WHEREAS the General Plan requires the City to provide sufficient land for business expansion and attraction of new employers by designating a mixed use corridor along Wildwood Avenue and in the Town Center; and

WHEREAS there is a very limited supply of suitable land designated Community Commercial, especially Community Commercial land visible and adjacent to Highway 101 and commercial land along the City's major thoroughfare; and

WHEREAS the General Plan encourages infill development of vacant and underutilized land in the Town Center before amending the General Plan to allow additional commercial and residential land elsewhere; and

WHEREAS amending the General Plan and Zoning designation from Community Commercial to Urban Residential would conflict with this adopted policy; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **are not consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell denies the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk

RESOLUTION NO. CC 1157-B-2012

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL APPROVING THE
ALBIN GENERAL PLAN AMENDMENT AND ZONE RECLASSIFICATION:**

WHEREAS Andy Albin has made application to redesignate approximately 3 acres from Community Commercial (CC) to Urban Residential (UR); and

WHEREAS the property was originally planned and zoned Residential Multiple Family (R-3) as part of the City's initial zoning designations after incorporation in 1965; and

WHEREAS the property was redesignated in 2004 to Community Commercial; and

WHEREAS it is in the City's and public's interest to encourage commercial development in the "Town Center" and to discourage a commercial "strip mall" development along Wildwood Ave; and

WHEREAS residential development of the parcel is consistent and compatible with the existing residential neighborhood; and

WHEREAS commercial development of the parcel could weaken the City's desire to maintain a core downtown area; and

WHEREAS based on information on file, existing land use designations and the applicant's justification, the proposed amendment to change the parcel from Community Commercial to Urban Residential **is in the public interest**; and

WHEREAS the General Plan calls to monitor market demand for residential land and consider, where appropriate, changes in the City General Plan Land Use Element and Zoning to ensure a balance in residential uses and densities; and

WHEREAS based on information from the applicant's agent, the current demand for commercial land is less than that for residential land; and

WHEREAS the General Plan encourages residential infill development of vacant and underutilized land; and

WHEREAS based on existing General Plan goals and policies, the proposed amendments **can be found consistent the General Plan** and its implementation policies and programs; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City has reviewed and processed the proposed amendment in conformance with Section 17.30.010 of the City of Rio Dell Municipal Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendment has been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and

WHEREAS the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

WHEREAS an Initial Study has been prepared to assess environmental factors that could potentially be affected by the project; and

WHEREAS through preparation of the Initial Study, it has been found that should the amendments be approved, there will not be a significant effect in this case because features of the project reduce impacts and mitigation measures have been included to further reduce impacts to a less than significant level; and

WHEREAS pursuant to Section 15073 of the CEQA Guidelines requires that the public review period be not less than 20 days; and

WHEREAS the Notice of Intent to adopt a Mitigated Negative Declaration (finding of no significant adverse environmental effect) on the project was mailed and posted on February 28, 2012.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell approves the Albin General Plan Amendment and Zone Reclassification of approximately 3 acres from Community Commercial (CC) to Urban Residential (UR) ;).

I HEREBY CERTIFY that the forgoing Resolution was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 15, 2012 and furthermore the forgoing Resolution was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the 5th day of June 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

ATTEST:

Karen Dunham, City Clerk